

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Lily Andreina Sosa Marquez, individually and  
on behalf of all others similarly situated,

Plaintiff,

-against-

Rosebox LLC et al.,

Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 3/1/2024

1:23-cv-08171 (SDA)

**ORDER**

**STEWART D. AARON, United States Magistrate Judge:**

The Court is in receipt of the parties' joint letter seeking approval of the settlement of this action, which contains claims under the Fair Labor Standards Act ("FLSA"), pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). (2/28/24 Letter, ECF No. 29.) In seeking approval of the non-monetary terms of the agreement, the parties state that "the release in Paragraph 5 of the Settlement Agreement is appropriately tailored to claims under the FLSA, [New York Labor Law] and their associated regulations, concerning only Plaintiff's alleged employment." (*See id.* at 4.) However, the release itself is not so limited and instead includes numerous claims beyond the wage and hour claims at issue in this lawsuit. (*See Settlement Agreement*, ECF No. 29-1, at 4-5.)

Accordingly, no later than Friday, March 8, 2024, the parties shall file a joint letter addressing how the release, as written, comports with the requirements of *Cheeks*. *See Cheeks*, 796 F.3d at 206; *see also Rubio v. BSDB Mgmt., Inc.*, 548 F. Supp. 3d 362, 368 (S.D.N.Y. 2021)

(finding release provision overbroad when plaintiff required to waive “a broad set of claims that goes far beyond wage-and-hour issues or the claims at issue in this lawsuit”) (citing cases).

**SO ORDERED.**

Dated: New York, New York  
March 1, 2024

A handwritten signature in black ink, reading "Stewart D. Aaron". The signature is written in a cursive, flowing style. The first name "Stewart" is written with a capital 'S' and a capital 'A'. The middle initial "D." is written with a capital 'D' and a period. The last name "Aaron" is written with a capital 'A' and a capital 'R'. The signature is positioned above a horizontal line.

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STEWART D. AARON  
United States Magistrate Judge